U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40766470

Date: FEB. 26, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (National Interest Waiver)

The Petitioner, an energy policy analyst, seeks employment-based second preference (EB-2) immigrant classification as a member of the professions holding an advanced degree, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2).

SCOPS denied the petition, concluding that the record did not establish that a waiver of the required job offer, and thus of the labor certification, would be in the national interest. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

To qualify for the underlying EB-2 visa classification, a petitioner must establish they are an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Section 203(b)(2)(A) of the Act.

If a petitioner establishes eligibility for the underlying EB-2 classification, they must then demonstrate that they merit a discretionary waiver of the job offer requirement "in the national interest." Section 203(b)(2)(B)(i) of the Act. *Matter of Dhanasar*, 26 I&N Dec. 884, 889 (AAO 2016), provides the framework for adjudicating national interest waiver petitions. *Dhanasar* states that U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion,[1] grant a national interest waiver if the petitioner demonstrates that:

- The proposed endeavor has both substantial merit and national importance;
- The individual is well-positioned to advance their proposed endeavor; and

[1] *See Flores v. Garland*, 72 F.4th 85, 88 (5th Cir. 2023) (joining the Third, Ninth, Eleventh, and D.C. Circuit Courts of Appeals in concluding that USCIS' decision to grant or deny a national interest waiver is discretionary in nature).

- On balance, waiving the job offer requirement would benefit the United States.

Id.

II. ANALYSIS

SCOPS concluded that the Petitioner qualifies as a professional holding an advanced degree. The record supports that conclusion; the Petitioner has a master's degree in petroleum, energy economics, and finance from the [redacted] in the United Kingdom. The remaining issue to be determined on appeal is whether the Petitioner established that a waiver of the requirement of a job offer, and thus a labor certification, would be in the national interest.

The Petitioner is an energy policy analyst whose proposed endeavor focuses on researching policy reforms. He seeks to enhance domestic energy supplies, encourage efficient and economically sound energy production, and attract investments. He described his endeavor to expand energy production in the United States "by providing empirical data and insights within diverse energy sources, including oil, natural gas, coal, nuclear, wind, solar, and geothermal power." He explained his intention to "optimize petroleum fiscal policies" to ensure "that a larger share of profits from energy production is reinvested in public infrastructure and social programs." The Petitioner explained that he would "serve as a specialized Researcher and Energy Policy Analyst" focusing on the following:

- Analysis and Optimization of U.S. Petroleum Fiscal Regimes
- Development of Policy Recommendations for Enhanced Energy Security and Economic Prosperity
- Research into Global Best Practices and their U.S. Applicability
- Supporting the U.S. Transition to Cleaner Energy Sources
- Dissemination of Research and Knowledge

The Petitioner stated that foreign direct investments will "create a ripple effect, stimulating economic activity in other sectors and generating additional tax revenues." An increasingly more innovative energy sector, he stated, "generates spillover effects that benefit other critical industries." He emphasized that his endeavor aligns with national energy priorities and his expertise "will contribute to creating frameworks that make U.S. energy resources more accessible and economically viable, thereby bolstering national and economic security."

Although SCOPS determined that the Petitioner's proposed endeavor has substantial merit and that he is well positioned to advance the endeavor, SCOPS concluded that the record did not establish that the endeavor is of national importance or that, on balance, it would be beneficial to the United States to grant a waiver of the job offer requirement. On appeal, the Petitioner reiterates previous assertions concerning his eligibility, stating that SCOPS did not fully analyze the evidence of record. Upon review, for the reasons discussed below, we conclude that the Petitioner has not sufficiently demonstrated the national importance of his proposed endeavor under the first prong of the *Dhanasar* analytical framework.

The first prong, substantial merit and national importance, focuses on the specific endeavor that the individual proposes to undertake. *Matter of Dhanasar*, 26 I&N Dec. at 889. The endeavor's merit

may be demonstrated in a range of areas such as business, entrepreneurialism, science, technology, culture, health, or education. *Id.*

In determining whether the proposed endeavor has national importance, we consider its potential prospective impact. *Id.* The relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on the "the specific endeavor that the foreign national proposes to undertake." *Id.* In *Matter of Dhanasar*, we further noted that "we look for broader implications" of the proposed endeavor and that "[a]n undertaking may have national importance for example, because it has national or even global implications within a particular field." *Id.* We also stated that "[a]n endeavor that has significant potential to employ U.S. workers or has other substantial positive economic effects, particularly in an economically depressed area, for instance, may well be understood to have national importance." *Id.* at 890. If the evidence of record demonstrates that an individual's proposed endeavor has the significant potential to, for example, contribute to the advancement of a valuable technology or field of study, it may rise to the level of national importance.[2]

To provide context concerning the national importance of his proposed endeavor, the Petitioner submitted White House executive orders concerning domestic energy, an article citing talks between the United States and Ukraine on energy and rare earth minerals, an article discussing the role of blockchain technology in pursuing sustainable energy, and an article discussing the U.S. Department of Energy and net-zero policies. This documentation conveys the general importance of efforts by the United States to identify and utilize domestic energy sources, but it does not provide clarity concerning the Petitioner's specific endeavor, which he has described as a wide-ranging research project covering topics and data routinely studied by both federal agencies and non-government organizations.

As evidence to further illustrate the contours of his endeavor, the Petitioner submitted his graduate degree thesis, "[redacted]," as well as a dissertation written as part of a group project studying the effects of public procurement practices on public sector financial management in Ghana. Additionally, he provided letters of support from individuals familiar with his work.

One letter of support from a government employee in Ghana discusses the Petitioner's involvement in a project that helped supply electricity to island communities in the country, as well as his proficiency in quantitative research and data analytics. The letter also discusses the Petitioner's research exploring how the fiscal regimes of Ghana and Nigeria balance the need for government revenue with the need to attract private investment in their energy sectors. The letter frames the Petitioner's research as providing practical policy recommendations and a "critical resource" for energy policymakers in the United States to achieve that balance. A letter from an associate professor at the [redacted] emphasizes the Petitioner's "robust foundation in data analytics, field-data coding, and quantitative analysis" as equipping him to meaningfully contribute to the development of U.S. energy policies. The letter also cites the Petitioner's comparative research, stating that it "is highly relevant to ensuring the effective management of energy resources, fostering investment, and enhancing economic stability—areas of paramount importance to the United States." A letter from a professor of economics at the university submitted in response to a request for evidence provides additional details about the Petitioner's thesis work and expresses confidence in his abilities as a researcher.

[2] *See generally* 6 *USCIS Policy Manual* at F.5(D)(3), https://www.uscis.gov/policy-manual/volume-6-part-f-chapter-5.

While the letters of support generally express positive views of the Petitioner's work and its potential, they do not discuss how his specific research intentions will have broader implications for U.S. energy policy. And we note that the focus of these letters on the Petitioner's credentials and experience is information relating not to the national importance of an endeavor, as discussed in the first prong of *Matter of Dhanasar*, but to the second,[3] which evaluates whether an individual is well positioned to advance an endeavor.

Concerning the Petitioner's claims of the prospective economic impacts of his proposed endeavor, although he has made generalized references to the potential of his research to lead to job creation, he has not demonstrated that his proposed endeavor has significant potential to employ U.S. workers or otherwise offer substantial positive economic effects for the nation. Specifically, he has not shown that his research stands to provide substantial economic benefits, and his statements are not sufficiently supported by objective evidence related to his particular proposed endeavor. It is not clear how the Petitioner's individual research would create the claimed "ripple" effects in the economy. A petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376. The Petitioner has not provided sufficient evidence to show that his endeavor would result in the employment of a significant population of workers in a particular region, nor has he shown that his proposed endeavor would offer substantial economic benefits through employment levels, business activity, or tax revenue. As such, the record does not demonstrate that the prospective benefits to the regional or national economy resulting from the Petitioner's endeavor would reach the level of "substantial positive economic effects" contemplated by *Dhanasar*. *See Matter of Dhanasar* at 890.

While the Petitioner's statements reflect his intention to research a topic of importance, he has not offered sufficient information and evidence to demonstrate that the prospective impact of his research rises to the level of national importance. The record indicates a reliance on his research comparing Nigeria and Ghana to inform his research in the United States, but he has not sufficiently explained how his previous work is applicable to his future research. He has not identified any specific methodologies that he would utilize to differentiate his research from research currently conducted by entities and experts in both public and private sectors in the United States to achieve a level of national importance in the field. Further, he has not addressed logistical considerations necessary for the impacts he has described, such as how he will fund his research or how he will influence the adoption of his recommendations at a national level. Similarly, concerning how he will disseminate his research or policy proposals, he states that he will publish his findings in peer-reviewed journals and present his research at national and international energy conferences. However, his claims are not corroborated. The record does not demonstrate, for example, that his work has been accepted for publication or chosen for inclusion at conferences—evidence indicative of future publication or presentation. Likewise, the Petitioner states that he will submit policy briefs to government entities and think tanks, but there is no evidence to substantiate his claims. Although such considerations also relate an individual's positioning to advance a proposed endeavor—an issue assessed under

[3] Because the Petitioner has not established eligibility under the first prong of the *Dhanasar* framework, determinations concerning the second and third prongs are unnecessary to the ultimate decision; therefore, they will be reserved in this decision. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision.

Dhanasar's second prong—the question of whether an endeavor can realistically be carried out is pertinent to an assessment of its potential positive effects for the nation. Here, the Petitioner mainly relies on the importance of energy resource acquisition to demonstrate the importance of his proposed endeavor, rather than any prospective positive impact resulting from the endeavor itself.

Matter of Dhanasar contemplates that an undertaking may have national importance "because it has national or even global implications within a particular field, such as those resulting from certain improved manufacturing processes or medical advances." *Id.* at 889. On appeal, the Petitioner stresses that his proposed endeavor "clearly satisfies the national importance requirement through its broader implications for U.S. energy security, economic competitiveness, and policy effectiveness," stating that it "addresses challenges and opportunities that extend far beyond any individual project or employer, with the potential to influence national energy policies, attract billions of dollars in investment, and enhance the United States' position as a global energy leader." The Petitioner compares these claims to factors considered in gauging the national importance of the proposed endeavor in *Matter of Dhanasar*. These comparisons, however, rely on presumptive outcomes of policies not yet developed or tested. The Petitioner generally asserts that his research will potentially lead to billions of dollars in investment and the creation of thousands of jobs, but these assertions are not corroborated by evidence in the record. Again, a petitioner must support assertions with relevant, probative, and credible evidence. *See Matter of Chawathe*, 25 I&N Dec. at 376.

Although the Petitioner has demonstrated the merit of broad ambitions to address a matter of national interest, he has not provided sufficient evidence to demonstrate that his work will have broader implications relating to energy production or the role of the energy industry in the economy. The record does not clarify how the Petitioner's endeavor will have a level of impact within a particular field on a scale commensurate with national importance. Again, it is not the proverbial value of the field in which an individual intends to work, but the particular endeavor an individual intends to pursue that we consider in assessing its national importance. *Matter of Dhanasar*, 26 I&N Dec. at 889.

The record does not establish the national importance of the proposed endeavor as required by the first prong under *Matter of Dhanasar*. Therefore, the Petitioner has not demonstrated eligibility for a national interest waiver. Because the identified reasons for dismissal are dispositive of the Petitioner's appeal, we decline to reach and hereby reserve remaining arguments concerning eligibility under the *Dhanasar* framework. *See INS v. Bagamasbad*, 429 U.S. at 25.

III. CONCLUSION

The Petitioner has not demonstrated that the proposed endeavor has national importance. As the Petitioner has not met the requisite first prong of the *Dhanasar* analytical framework, he has not established that he is eligible for or otherwise merits a national interest waiver as a matter of discretion. The petition will remain denied.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or who are otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings

under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.